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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **DAVID MICHAEL LEON,**

Petitioner,

14  
15 v.

16 **JAMES A. YATES, Warden,**

Respondent.  
17  
18

C07-5719 CRB

**DECLARATION OF COUNSEL IN  
SUPPORT OF APPLICATION FOR  
EXTENSION OF TIME TO FILE  
RESPONSE**

19 I, JEFFREY M. LAURENCE, declare under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am assigned to  
21 represent respondent in this habeas corpus action. Respondent's answer or other responsive  
22 pleading is due January 18, 2008, pursuant to this Court's November 19, 2007, order to show cause.  
23 I am unable to meet this deadline, and request an extension of time to file a response to the petition  
24 for the following reasons.

25 2. Petitioner is a state prisoner who was convicted of first degree murder with a gun use  
26 enhancement, and he is serving an indeterminate sentence of 27 years to life. He contends: 1) his  
27 right to due process was violated by the state court's finding that petitioner had failed to demonstrate  
28 prejudice from a 17 year pre-accusation delay, 2) his Sixth Amendment right was violated by the

1 the state court's affirmance of the exclusion of third party culpability evidence, 3) the trial court  
2 violated his constitutional rights by dismissing a juror during deliberations for lying under oath, and  
3 4) he received ineffective assistance of appellate counsel.

4 3. This case was already closed when the Order to Show Cause issued, and I have had  
5 to order the file from our archives in Sacramento before I could begin working on our answer. The  
6 record in this case consists of approximately 671 pages of reporter's transcript and 412 pages of  
7 clerk's transcript and will take additional time to review and examine this record, give the fact-  
8 intensive nature of petitioner's claims.

9 4. In addition, during the time I have been assigned this habeas matter, I have filed a  
10 merit's brief in the California Supreme Court in *People v. Villa* (S151561), and I filed respondent's  
11 briefs in state appellate courts in *People v. Easterling* (A115281), *People v. Ekwueme* (H030655),  
12 *People v. Garelick* (H030976), *People v. Powell* (A114764), and *People v. Chavira* (A116473).  
13 Furthermore, over the course of the next 60 days, I must prepare and filed respondent's briefs in  
14 state court in *People v. Hughes* (A115308), *People v. Barron* (H031590), *People v. Estrada*  
15 (H031846), and prepare and file answers in federal court in *Heang v. Woodford* (C07-0980 MJJ),  
16 *Young v. Runnels* (C05-119 JSW), and *Gilbert v. Felker* (C07-5987 THE).

17 5. I have contacted counsel for petitioner, Julie Schumer, and she has no objection to  
18 this extension request.

19 Accordingly, I request that the Court grant respondent an extension of 60 days, to and  
20 including March 18, 2008, in which to file a response to the petition.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this 14th day of January, 2008 in San Francisco, California.

23  
24 /s/ Jeffrey M. Laurence

25 JEFFREY M. LAURENCE  
26 Deputy Attorney General  
27 Attorney for Respondent  
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